

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KAREN GALLION,

Plaintiff,

v.

MEDCO HEALTH SOLUTIONS,
INC., et al.,

Defendants.

NO: 13-CV-0135-TOR

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Plaintiff's Motion for Reconsideration (ECF No. 27). This matter was submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein, and is fully informed.

BACKGROUND

Plaintiff moves for reconsideration of the Court's May 2, 2014 Order granting Defendant's motion for judgment on the pleadings. In support of this motion, Plaintiff argues that the Court erroneously concluded that the Plan's one-

1 year limitations provision bars any claim arising from the denial of short-term
2 disability benefits, as opposed to only claims filed under ERISA § 502(a).

3 DISCUSSION

4 A court may review a motion for reconsideration under either Federal Rule
5 of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b)
6 (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th
7 Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented
8 with newly discovered evidence, (2) committed clear error or the initial decision
9 was manifestly unjust, or (3) if there is an intervening change in controlling law.”
10 *Id.* at 1263. Reconsideration is properly denied when the movant “present[s] no
11 arguments . . . that had not already been raised” in the underlying motion. *Taylor*
12 *v. Knapp*, 871 F.2d 803, 805 (9th Cir. 1989).

13 Plaintiff argues, once again, that the Plan’s one-year limitations period for
14 claims arising from a denial of short-term disability benefits applies only to claims
15 filed under ERISA § 502(a). As the Court explained in its prior order, this is not a
16 reasonable interpretation of the policy because the Plan specifically provides that
17 *the Short-Term Disability Program is neither subject to nor governed by ERISA.*
18 ECF No. 25 at 9. Although the one-year limitations provision states that Plan
19 participants “have the right to file suit in federal court under ERISA § 502(a)” if
20 their claim for short-term disability benefits is denied, the fact of the matter is that

no such right exists. Consequently, any interpretation of the limitations provision that limits its scope to claims filed under ERISA § 502(a) is not reasonable. *See Weyerhaeuser Co. v. Commercial Union Ins. Co.*, 142 Wash. 2d 654, 669 (2000) (“When interpreting a contract our primary goal is to discern the intent of the parties, and such intent must be discovered from *viewing the contract as a whole*.”) (emphasis added); *GMAC v. Everett Chevrolet, Inc.*, --- Wash. App. ---, 317 P.3d 1074, 1078 (2014) (“If *only one reasonable meaning can be ascribed to the agreement when viewed in context*, that meaning necessarily reflects the parties’ intent[.]”) (emphasis added). Plaintiff’s motion for reconsideration is denied for the reasons previously stated.


IT IS HEREBY ORDERED:

Plaintiff’s Motion for Reconsideration (ECF No. 27) is **DENIED**.

The District Court Executive is hereby directed to enter this Order and provide copies to counsel.

DATED May 15, 2014.




THOMAS O. RICE
United States District Judge